

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DARRELL CONNERS,

Case No. 3:15-cv-00372-RCJ-CLB

Petitioner,

**ORDER DISMISSING  
AND CLOSING CASE**

v.

TIMOTHY FILSON, et al.,

Respondents.

Petitioner Darrell Connors's *pro se* federal habeas petition was filed on June 7, 2016. (ECF No. 16.) This Court appointed counsel for Connors, and Connors's counseled first-amended petition was filed on March 24, 2017. (ECF Nos. 15, 34.) On March 29, 2021, this Court granted a motion to dismiss, finding that this action was untimely and that Connors failed to demonstrate equitable tolling. (ECF No. 73.) Connors appealed. (ECF No. 75.) On May 25, 2023, the United States Court of Appeals for the Ninth Circuit reversed and remanded this matter. (ECF No. 81.) On August 10, 2023, this Court reopened this action and vacated its previous dismissal order. (ECF No. 84.) This Court ordered Respondents to answer the first-amended petition. (*Id.*) On January 9, 2024, Connors's counsel moved to withdraw as counsel, explaining that (1) a stipulation and order were entered in Connors's underlying state court case, which vacated his convictions and sentences, and (2) Connors informed his counsel that he did not want her to represent him anymore. (ECF No. 87.) This Court granted the motion to withdraw but noted that Connors could file a motion for the appointment of new counsel if he so desired. (ECF No. 88.) Connors did not respond.

On February 1, 2024, Respondents moved to dismiss Connors's amended petition, arguing that his first amended petition is moot given that the state court recently vacated his conviction

1 and sentence in his underlying case. (ECF No. 90.) Conners did not respond to the motion to  
2 dismiss, and his time for doing so has expired. Due to Conners's lack of response to the motion to  
3 dismiss, the Court considers it unopposed. *See* LR 7-2(d) ("The failure of an opposing party to file  
4 points and authorities in response to any motion . . . constitutes a consent to the granting of the  
5 motion.").

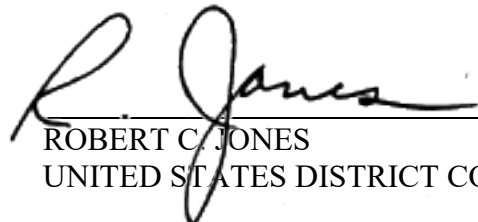
6 On December 19, 2023, the state court vacated Conners's judgment of conviction and  
7 withdrew his guilty plea. (ECF No. 89-6 at 2.) Given this status of Conners's underlying criminal  
8 case, Conners's amended petition no longer presents a live case or controversy and is moot. *See*  
9 *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). Accordingly, the Court finds good cause exists to grant  
10 the motion.

11 IT IS THEREFORE ORDERED that the motion to dismiss [ECF No. 90] is granted. This  
12 action is dismissed.

13 IT IS FURTHER ORDERED that a certificate of appealability is denied because  
14 reasonable jurists would not find the dismissal of this action to be debatable or wrong.

15 IT IS FURTHER ORDERED that the Clerk of Court enter judgment accordingly and close  
16 this case.

17 Dated: February 22, 2024

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19 ROBERT C. JONES  
20 UNITED STATES DISTRICT COURT  
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